

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Asad Abdul As-Salam, #53741,) C/A No. 4:24-5981-BHH-TER
a/k/a Asad Abdul As-Salam, #620723,)
a/k/a Gregory Tyrone Moore,)
Plaintiff,) **ORDER**
v.)
)
)
Dennis D. Kelly, Kathy Tucker,)
Donna Miller, Capt. Bollman,)
Defendants.)
_____)

This is an action filed by a litigant who was a pretrial detainee at the time of filing. This case is before the Court due to Plaintiff's failure to comply with either of the Magistrate Judge's orders to provide an Amended Complaint or to provide service documents. (ECF Nos. 5, 11.) The first order was not returned as undeliverable and contained a directive to always keep the Clerk advised of any address change in writing. (ECF No. 5 at 2.) Thus, it is presumed that Plaintiff received the order but neglected to comply with it. The second order returned undeliverable, stating "return to sender, no longer at this facility." (ECF No. 18).

Here, the Court has not received a response from Plaintiff, and the time for compliance has passed. The Magistrate Judge specifically informed Plaintiff that a failure to comply with the court's orders may subject this case to dismissal, and it appears that Plaintiff's lack of response indicates an intent to not prosecute this case and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b) (stating that district courts may dismiss an action if a plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (providing that a dismissal with prejudice is appropriate where warning was given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (permitting the court to dismiss action *sua sponte*).

Accordingly, based on the foregoing, the Court hereby dismisses this action without

prejudice, and the Clerk of Court shall close the file.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

January 14, 2025
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.